

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: DECEMBER 17, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SUP-36564 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MARICARMEN SORIA - OWNER: BONANZA SUNRISE, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN AN EXISTING RESTAURANT WITH A WAIVER TO ALLOW A 195-FOOT DISTANCE SEPARATION FROM A SCHOOL WHERE 400 FEET IS REQUIRED at 4800 East Bonanza Road, Suite #9 (APN 140-29-801-011), C-1 (Limited Commercial) Zone, Ward 3 (Reese)

IF APPROVED, C.C.: 01/20/2010

IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

8

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda - Protest Postcards

Motion made by STEVEN EVANS to Approve subject to conditions, deleting Condition 3 and adding the following condition as read for the record:

A. There shall be a one-year review after the issuance of the business license for the sale of alcohol, to be handled administratively.

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS, GUS FLANGAS; (Against-VICKI QUINN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

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STEVE GEBEKE, Planning and Development, reported that the use would be operated within an existing restaurant; however, the restaurant is located within 200 feet of an existing school. Title 19 requires a minimum separation distance of 400 feet from a school, so staff recommended denial, meaning the restaurant will not be able to serve alcoholic beverages.

MARICARMEN SORIA appeared with PILAR VALERA, an attendee who volunteered to translate for MS. SORIA. Through the translator, MS. SORIA accepted the conditions.

MR. RANKIN clarified for COMMISSIONER ELLSWORTH that the restaurant is located in the middle of a shopping center; the separation distance is based upon property line to property line and not from the location of the establishment. The actual distance from the restaurant to the existing school is 470 feet.

COMMISSIONER EVANS sought information relative to the applicant's previous application for a special use permit and the reason it was denied. In reviewing the backup, MARGO WHEELER, Director of Planning and Development, explained that an application for a special use permit was not submitted, rather the applicant must have applied for a license and was told a special use permit was necessary, but the application never came forward. In essence, the special use permit was never requested or heard. MR. RANKIN explained for the Commission that approving this request would allow the applicant to serve beer, wine and wine coolers in conjunction with the meals.

Given the language barrier, COMMISSIONER EVANS was somewhat reluctant to go forward with approving this application. He suggested an approval with a one-year review. MS. VALERA confirmed that MS. SORIA accepted a condition regarding a one-year review. MS. WHEELER noted that the Commission could condition a review after the issuance of a liquor license, which can be done administratively or at a public hearing. MR. RANKIN added that, if approved, Condition 3 should be deleted as it does not apply to this application.

CHAIR TROWBRIDGE declared the Public Hearing closed.